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August 15, 2019

Via Email (rdd.chambers@nysb.uscourts.gov)

Hon. Judge Robert D. Drain
U.S. Bankruptcy Court
Southern District of New York
300 Quarropas Street, Room 248
White Plains, NY 10601-4140

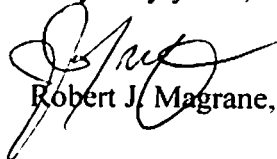
Re: *In re: Sears Holding Corporation, et al.*
Case No.: 18-23538 (RDD)
Motion for Admission to Practice Pro Hac Vice

Dear Judge Drain:

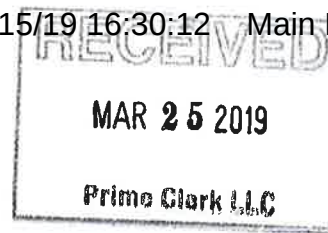
This law firm represents creditor William S. Juiris with respect to claim no. 12025 filed on March 25, 2019 in the above-referenced matter. A copy of the proof of claim is annexed hereto for your reference.

Please accept this letter as a withdrawal of the claim no. 12025. If you have any questions, please feel free to call myself or Catania T. Facher, Esq. at (212) 598-5900 or email me at rmagrane@alonsolegal.com.

Very truly yours,


Robert J. Magrane, Esq.

Encl.



COPY

Fill in this information to identify the case:

Debtor 1 Sears Holdings Corporation

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of New York

Case number 18-23538

Official Form 410

Proof of Claim

Claim No. 12025
Initials WS / LS

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>William S. Juris</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>c/o John S. Delnero</u> Name <u>161 N. Clark, Ste 2700</u> Number Street <u>Chicago</u> <u>IL</u> <u>60601</u> City State ZIP Code Contact phone <u>3122612185</u> Contact email <u>jdelnero@pedersenhoupt.com</u>	Where should payments to the creditor be sent? (if different) _____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 92,900.00 Does this amount include interest or other charges?
☐ No
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
see attached

9. Is all or part of the claim secured? ☐ No
☒ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 03/22/2019
MM / DD / YYYY

Signature _____

Print the name of the person who is completing and signing this claim:

Name John Steven Delnero
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 161 N. Clark, Ste 2700
Number Street
Chicago IL 60565
City State ZIP Code

Contact phone 312 261 2185 Email jdelnero@pedersenhoupt.com

STATEMENT IN SUPPORT OF PROOF OF CLAIM

William Juiris (hereinafter "Claimant") hereby files this Proof of Claim based on the claims presented herein (the "Claims").

RESERVATION OF RIGHTS

1. Claimant expressly reserves her right to amend or supplement this Proof of Claim at any time for whatever reason, including, without limitation, for the purpose of filing additional claims and requests for payment. By virtue of filing this Proof of Claim, Claimant does not waive and hereby expressly reserves his right to pursue claims and requests for payment (including, but not limited to, the Claims) against Debtor based upon alternative legal theories. Claimant does not waive his right to a jury trial or his right to dispute the jurisdiction of this Court to hear any proceeding, motion or matter related to this Proof of Claim.

BASIS OF RECOVERY

2. Claimant asserts a contingent claim in the principal amount of \$92,900.00 plus post judgment interest pursuant to a judgment entered against Debtor by the Circuit Court of Cook County, Illinois on March 21, 2018. A copy of the judgment is attached hereto as Exhibit A. The Debtor appealed the judgment to the Illinois Appellate Court and the matter is currently stayed. The Debtor has posted a bond to secure its obligations to Claimant and Claimant asserts a contingent claim against this estate in the event that the bond is insufficient to cover the cost of the judgment or in the event that the matter is reversed and remanded by the Illinois Appellate Court.

GENERAL PROVISIONS APPLICABLE TO CLAIM

3. To the extent that, Debtor asserts claims against Claimant. of any kind, Claimant reserves the right to assert that such claims by the Debtor are subject to rights of setoff and/or

recoupment (the “Setoff Rights”), which rights are treated as secured claims under the United States Bankruptcy Code, 11 U. S. C. 101, *et. seq.* as amended (the “Bankruptcy Code”).

4. The Claims described in the preceding paragraph are set forth only to preserve any and all Setoff Rights and other entitlements Claimant may have as hereinbefore asserted, and nothing set forth herein shall be construed as an admission that Debtor has any valid claims or causes of action against Claimant.

Order

(Rev. 02/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

William S. Joiris

v.

Heidi L. Joiris

No.

13 D 10549

Page 1 of 2

Sears Holding Corp. ^{3rd Party}
for Reasons Entered on Record
THIS Cause

ORDER

Coming to be heard for

Ruling on William's Two Count Motion for
① Rule to Show Cause against + Sears for
Failure to withhold income pursuant to a
valid court order and ② a Violation of the
Withholding Act. The court making findings
on the Record It is hereby ordered
as follows:

① The court grants William's Petition on
Both counts.

Attorney No.: 07779

Name: Peterson & Haupt

Atty. for: William Joiris

Address: 161 N. Clark St. 2700

City/State/Zip: Chicago IL 60601

Telephone: (312) 261-2155

ENTERED:

Dated: _____

Judge

Judge's No.

Order

(Rev. 02/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

William Jiris
v.
Heidi Jiris
and

No. 13 D 10549

Page 2 of 2

ORDER

P. Sears Holding Corp.
3rd Party

② A Judgment is made in favor of William and against Sears in the sum of \$92,900⁰⁰ Payable within 30 days for a violation of the withholding Act

③ There is no just reason to delay Appeal or Enforcement of Paragraph 2 of this order.

④ William is Granted leave to file a Petition for Fees Pursuant to 750 ILCS 51508 (4)

Attorney No.: 07779

Name: Pedersen & Haupt

Atty. for: William Jiris

Address: 161 N. Clark # 2700

City/State/Zip: Chicago, IL 60601

Telephone: (312) 261-2155

ENTERED:

Dated: _____

Judge

Associate Judge
David E. Haracz

MAR 21 2018

Circuit Court - 1878

Judge's No.